

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2, 4, 5, 7, 8 and 10-12 are pending in the application. Claims 4, 7, 10 and 11 are amended; and Claim 12 is canceled by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

In the outstanding Final Office Action, Claims 4, 7, 10 and 11 were rejected under 35 U.S.C. § 102(e) as anticipated by Sarkkinen et al. (U.S. Pub. No. 2001/0046877, hereinafter Sarkkinen); and Claims 2, 5, 8 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Sarkkinen.

In response to the above noted rejections, Applicants respectfully submit that independent Claims 2, 4-5, 7-8 and 10-11 recite novel features clearly not taught or rendered obvious by Sarkkinen.

Regarding independent Claim 4, this claim recites a radio communication system including a radio station configured to:

***...randomly select a mobile station to which a transmission request for control information is transmitted;***  
...transmit the transmission request to the mobile station selected by the mobile station selector; and  
...control the predetermined down link transmission power based on the control information transmitted by the mobile station that has been selected by the mobile station selector...

Independent Claims 7 and 10, while directed to alternative embodiments, are amended to recite substantially similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 4, 7 and 10.

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<sup>1</sup> Original Claim 12.

As described in an exemplary embodiment at Figs. 8 and 9, and the corresponding description of the specification, a mobile station selector in the radio station randomly selects a specific mobile station to which a transmission request for control information is sent. Then, the radio station controls the downlink transmission power of the multicast communication based on the control information received by the selected mobile station.

Turning to the applied reference, Sarkkinen describes a system and method for controlling the power level of multicast data transmissions in a wireless communications network.<sup>2</sup>

Sarkkinen, however, fails to teach or suggest that the radio station “*randomly selects a mobile station to which a transmission request for control information is transmitted*,” as recited in independent Claim 4.

In contrast, Sarkkinen describes that a UTRAN transmits system broadcast information (i.e., SIB signaling messages) including a predetermined threshold (i.e., SIB value) to all UEs in a cell, not by multicast, but by broadcast using the BCH transport channel.<sup>3</sup> When the power level value of the SIB signaling message measured by a UE is less than the SIB value included in the received SIB signaling message, the UE transmits a multicast power indication to the UTRAN.<sup>4</sup> The RNC 30 in the UTRAN controls the starting power level for multicast data transmission based on the multicast power indication transmitted from the UE.<sup>5</sup>

Therefore, Sarkkinen describes that the UTRAN transmits SIB signaling messages to all UEs in a cell, not by multicast, but by broadcast using the BCH transport channel, and fails to teach or suggest “*randomly selecting a mobile station to which control information transmission request is transmitted*” as recited in amended independent Claim 1.

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<sup>2</sup> Sarkkinen, Abstract.

<sup>3</sup> Id., para. [0033], ll. 1-6, and ref. numeral 301 of Fig. 3.

<sup>4</sup> Id., para. [0033], ll. 12-26, and ref. numerals 303 and 304 of Fig. 3.

<sup>5</sup> Id., para. [0036], ll. 7-9.

Accordingly, Applicants respectfully request that the rejection of Claim 4 under 35 U.S.C. § 102 be withdrawn. For substantially similar reasons, it is also submitted that independent Claims 7 and 10 patentably define over Sarkkinen.

Amended independent Claim 2 relates to a radio communication system in which the same information is transmitted from a radio station to a plurality of mobile stations (e.g. multicast) with a predetermined downlink transmission power. The radio station includes a transmission power controller configured to control the predetermined downlink transmission power based on control information transmitted by the mobile stations. The mobile station comprises:

a decision unit configured to decide to transmit the control information to the radio station ***at a predetermined frequency when a plurality of same information pieces are received by a transceiver***; and

a transmitter configured to transmit the control information to the radio station based on a result of the decision made by the decision unit, the control information being generated according to reception quality of the same information transmitted by the radio station.

Independent Claims 5 and 8, while directed to alternative embodiments, recite substantially similar features as those emphasized above. Further, independent Claim 11 recites the feature that the mobile phone “decides to randomly transmit control information to a radio station.” Accordingly, the remarks and arguments presented below are applicable to each of amended independent Claims 2, 5, 8 and 11.

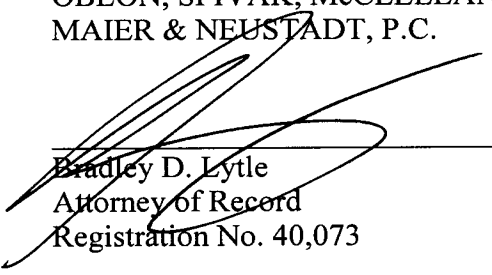
As described above, Sarkkinen merely describes that the UE decides to transmit a multicast power indication to the UTRAN based on reception quality such as a received power level of a SIB signaling message. Sarkkinen, therefore, fails to teach or suggest that a mobile station decides to transmit control information from the mobile station to the radio station at a predetermined frequency (Claims 2, 5 and 8) or randomly (Claim 11), not based on reception quality.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claim 2 under 35 U.S.C. § 102 be withdrawn. For substantially similar reasons, it is also submitted that amended independent Claims 5, 8 and 11 patentably define over Sarkkinen.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 2, 4, 5, 7, 8 and 10-12 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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